SECTION XIV.

Mr. Muthunayagom Pillai.—I beg to propose that the word "as" be substituted for "after" in line 2 of this section.

Seconded by Mr. Vieyra.

Carried.

SECTION XV.

Mr. Rama Iyer.—I would propose that the following "The words 'or sentenced' shall be inserted after 'convicted' in section 308; and" be omitted in lines 1 to 3, and the words "section 308" substituted for "the said section" in line 4 of this section. The words proposed to be omitted are superfluous as the necessary amendments have been made in section 309 of the Code, so as to provide for appeals being preferred against sentences.

Seconded by Mr. Sesha Iyer.

Carried

SECTION XVI.

Mr. Rama Iyer.—I beg to propose that the following be substituted for this section:—

"Section 309 shall be recast as follows:—

'Any person convicted or sentenced on a trial held by a District Magistrate or other Magistrate of the First class, or by a District Magistrate under section 260 or section 281—A may appeal to the Court of Session' The amendments in the section are necessitated by having to provide for appeals against convictions entered, and sentences passed, under section 281—A.

Seconded by Mr. Govinda Pillai.

Carried.

SECTION XVIII.

Mr. Muthunayagom Pillai:— I beg to propose that the word "the" between "of" and "section" in line 2, of this section be omitted. The amendment is verbal.

Seconded by Mr. Rama Iyer.

Carried.

SECTION XIX.

Section 433—A.

Mr. Vieyra.— I beg to propose that the words 'before any court' be omitted in line 6 and inserted between "convicted" and "of" in line 2, and the word "which" substituted for "whom" in line 9. The amendment is only verbal, and is intended to make the meaning clear.

Seconded by Mr. Kesava Pillai.

Carried.

Mr. Sesha Iyer.— beg to propose that the word "or" be substituted for "and" in line 12 of this section. According to the existing wording of the section, it would appear that all the four elements *viz.*, youth, character and antecedents, triviality of the offence, and extenuating circumstances should co-exist in order to entitle a first offender to the benefit of the suspension of sentence contemplated by this section. Such cases would be very rare, and the wholesome provision would practically be a dead letter. I think it would be well to allow the benefit of the section, if any one of the four conditions were shown to exist.

Seconded by Mr. Rama Iyer.

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Mr. Muthunayagom Pillai.—The wording of this clause is an exact reproduction of the British Act under which it is necessary that an offender should satisfy all the four conditions before claiming a suspension of the sentence. It is doubtful if it is expedient to introduce a radical change in this respect as sought by the proposed amendment.

Mr. Vieyra.—I think it is necessary to insist upon all these conditons being fulfilled in each case. More than this does not seem to have been contemplated.

President.—It seems to me also that what was intended was to restrict the concession to cases which would fulfil all the four essentials. But whether any further relaxation may be allowed by us is a matter that requires our consideration.

A discussion followed, after which Mr. Kesava Pillai proposed that in addition to youth, or character and antecedents, it would be sufficient if one of the last two elements *i. e.* triviality of the offence and extenuating circumstances exists to justify the grant of the concession. He therefore moved that, the words "or the" be inserted between "youth" and "character" in line 10, the word "and" between "offender" and "to" in line 11, and the word "or" be substituted for the words "and to" in line 12 of this section.

Seconded by Mr. Nagam Aiya.

The amendment was put to vote and carried by a majority.

Mr. Vieyra:—I beg to propose that instead of the word "parents" in line 4 and "relatives" in line 5 of clause (2), the singular be used. The reason is obviously to secure uniformity of expression.

Seconded by Mr. Muthunayagom Pillai.

Carried.

Mr. Muthunayagom Pillai.—I beg to propose that the words "or taking the accused to " in line 9 of the proviso to clause (2) be omitted, as it is obviously a typographical mistake.

Seconded by Mr. Rama Iyer.

Carried.

Section 433—B.

Mr. Nagam Aiya.—I beg to propose that the word "a "be substituted for "the" in line 2, and the word "the" for the words "his original" in line 4 of sub-section 1 of this section. The amendment is only verbal.

Seconded by Mr. Kesava Pillai.

Carried.

Mr. Kesava Pillai.—I beg to propose that the words "or release him" be added at the end of clause. (2). The addition is necessary to enable the magistrate to release the offender where on the merits of the case heard (*i. e.* the breach of conditions) a sentence is not called for.

Seconded by Mr. Rama Iyer.

Carried.

Section 433—C.

Mr. Muthunayagom Pillai.—I beg to propose that the words "in the place over which the court has jurisdiction" be substituted for the words "in the place for which the court acts" in lines 5 and 6 of this section. The amendment seeks to make the meaning clear.

Seconded by Mr. Govinda Pillai.

Carried.

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42

Mr. Muthunayagom Pillai.—I beg to propose that the word "Reformatories" be substituted for "Reformatory" in line 3, and the words "IV of 1067" be added within brackets at the end of sub-section (2) of this section.

Seconded by Mr. Vieyra.

Carried.

SECTION XXI.

Schedule IV.

Mr. Vieyra.—I beg to propose that instead of the word "Powers" in line 3 of the schedule, the singular be used as there is only one additional power with which a 2nd class Magistrate could be invested.

Seconded by Mr. Muthunayagom Pillai.

Carried.

SECTION XXII.

Mr. Muthunayagom Pillai.—I beg to propose that the figure "1082" in line 3 be omitted.

Seconded by Mr. Kesava Pillai.

Carried.

The Council adjourned at 2-15 P. M.

S. GOPALACHARIYAR,
President.

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